

1 But I would note that, standing alone, it would be very
2 hard to ascertain what this is all about.

3 JUDGE MILLER: Well, you mean he had better
4 have the underlying documents available?

5 MR. GOLDSTEIN: Well, I think he should have
6 had, but I believe that Mr. Belisle has put in the
7 underlying documents in JBC's Exhibit No. 4, so I don't
8 think we have to duplicate that.

9 JUDGE MILLER: All right. Then if we don't.
10 But by the time we get to get to cross-examination, Mr.
11 Goldstein, if you visualize it, this will be in
12 evidence and JBC's Exhibit 4 will be in evidence.

13 MR. GOLDSTEIN: That is my expectation.

14 JUDGE MILLER: And you can just pick them up
15 and say hey, if you have some questions on the
16 relationship between the two.

17 Now, my problem, and I am going to have to
18 state in part, I have, as I told you this morning, I
19 have a document that is awaiting preparation, which I
20 ruled on a motion to enlarge issues, the second
21 petition to enlarge filed by Mr. Belisle, and which the
22 Bureau partially supported and partially objected to.
23 And I will tell you now that I have bought the Bureau's
24 position and I am adding an issue.

25 The issue I am adding relates to the White

1 City - Jupiter Rulemaking 88-366, I think was the
2 number of it. And since I am adding that issue, under
3 the processes that the Commission has laid on me now,
4 writing a ruling on a motion to enlarge is almost like
5 writing an initial decision, they have so many things
6 that I have to talk about, discovery.

7 And one of the things that I have to talk
8 about is Notice of Forfeiture. Now, anything over a
9 year old, I don't include as a Notice of Forfeiture.
10 In other words, something has had to happen within the
11 last year for me to fill out that section. And if
12 something has not happened in the last year, I say so,
13 and I'll say there is no need for me to go any further
14 about this Notice of Forfeiture.

15 The last paragraph on that declaration --
16 first of all, let me get this straight, because I had
17 problems with no dates on these declarations, didn't I,
18 Mr. Carr? When was this declaration drawn up?

19 MR. CARR: I am sorry, Your Honor, you mean
20 the declaration itself, the front page?

21 JUDGE MILLER: Yeah. I know you reviewed it
22 on August 17.

23 MR. CARR: Well, it was prepared to August
24 17th, at which point he reviewed it and signed it.

25 JUDGE MILLER: Yeah. Well, when, I want to

1 know when he prepared it. I want dates on my
2 declarations.

3 MR. CARR: All right, Your Honor.

4 JUDGE MILLER: And, as you know, I am not
5 happy with that, with the declaration as it is, right?

6 MR. CARR: Uh-huh.

7 JUDGE MILLER: Because, you see, if he
8 prepared this within the last year, that may well fall
9 within the purview of either a misrepresentation or a
10 lack of candor in connection with the White City -
11 Jupiter.

12 MR. CARR: I am sorry, Your Honor. Are you
13 asking me whether the declaration which appears as page
14 1 of Exhibit 9 was prepared within the last year?

15 JUDGE MILLER: Yeah. I want to know when it
16 was prepared. I want to know specifically when that
17 declaration was prepared.

18 MR. CARR: All right, Your Honor.

19 JUDGE MILLER: Period. What I am simply
20 saying to you is, that if it has been prepared within
21 the last year, it may fall within the purview of the
22 Notice of Forfeiture.

23 MR. CARR: Right, Your Honor.

24 JUDGE MILLER: That is all I am saying to
25 you.

1 All right. Had you completed your --

2 MR. GOLDSTEIN: Yes, Your Honor.

3 JUDGE MILLER: Taylor Exhibit No. 9 is
4 received subject to the comments and rulings I have
5 made.

6 (The document referred to,
7 having been previously marked
8 for identification as Taylor
9 Exhibit No. 9, was received in
10 evidence.)

11 JUDGE MILLER: And you are going to give me a
12 new declaration -- I mean get me a new --

13 MR. CARR: Yes, Your Honor, I will.

14 JUDGE MILLER: Next.

15 MR. CARR: I would like to have marked for
16 identification Robert B. Taylor Exhibit No. 10. It
17 consists of one page of text and an attached
18 declaration. It is not a revised declaration, Your
19 Honor.

20 JUDGE MILLER: Right. And I want a revised
21 declaration.

22 MR. CARR: All right, Your Honor.

23 JUDGE MILLER: If you can give me one.
24 That's assuming that he prepared this or had it
25 prepared under his supervision and whatever.

1 MR. CARR: Yes, Your Honor.

2 JUDGE MILLER: The document that you just
3 described will be marked for identification as Taylor
4 Exhibit No. 10.

5 (The document referred to was
6 marked for identification as
7 Taylor Exhibit No. 10.)

8 JUDGE MILLER: Objections, Mr. Belisle?

9 MR. BELISLE: No, Your Honor.

10 JUDGE MILLER: Mr. Goldstein?

11 MR. GOLDSTEIN: No, I think in the cross-
12 examination, some more specifics can be adduced, but I
13 think it is an attempt to be responsive.

14 JUDGE MILLER: Let me say that there is, the
15 kind of questioning I have in connection with this, it
16 has to do with the, you know, he starts out, he says "I
17 made a decision to change the format to Spanish
18 International format". I want to know when he made
19 that decision.

20 I want to know if he talked to anybody long
21 before he talked to Mr. Hernandez to try to, that he
22 thought that this should this should have been made a
23 Spanish format station. And if he did talk to
24 somebody, I would like to know who it was.

25 I have problems with sentences like the first

1 one in the last paragraph on the first page. "During
2 the months when I am in Florida, I live in an apartment
3 that is located right in the station's studio building
4 and, thus, I am there every day."

5 How can you draw that conclusion? How can
6 you draw a conclusion that because you have an
7 apartment, you are at the station every day? He never
8 leaves? He never goes out? I mean this is the kind of
9 sentence that just boggles my mind, because it doesn't,
10 it just doesn't fit human reality. But that's what he
11 says.

12 MR. CARR: I don't read it that way. If you
13 said I am the FCC every day, does mean that you never
14 leave the Commission building? I don't think it says
15 that, Your Honor. I just don't --

16 JUDGE MILLER: "And, thus, I am there every
17 day." What the hell do you want me to --

18 MR. CARR: I am there at the location every
19 day, Your Honor. Since I am there living in the
20 apartment upstairs, I am there at the building every
21 day.

22 JUDGE MILLER: Oh, maybe only part of the
23 day. Maybe only an hour of the day. But he is there
24 every day?

25 MR. CARR: He is there every day.

1 JUDGE MILLER: All right.

2 MR. CARR: I mean as far as the number of
3 hours that he is there every day, I mean he can be
4 asked the question what does he mean when he says I am
5 there every day.

6 JUDGE MILLER: All right.

7 MR. CARR: But this was not an attempt to say
8 that I am in the building and never leave the building
9 and I am there 24 hours a day in the building, Your
10 Honor.

11 JUDGE MILLER: Well, maybe I just read it
12 wrong. Maybe I see an ambiguity where none exists.

13 MR. CARR: It may, Your Honor, it may be this
14 is inartfully stated.

15 JUDGE MILLER: All right. But, in any event,
16 I am going to want to talk to him about it, I am going
17 to want to talk, find out how he knows that all the
18 employees are bi-lingual.

19 With that, Exhibit No. 10, Taylor Exhibit No.
20 10 is received.

21 (The document referred to,
22 having been previously marked
23 for identification as Taylor
24 Exhibit No. 10, was received
25 in evidence.)

1 MR. CARR: Your Honor, I would like to have
2 marked for identification Robert B. Taylor Exhibit No.
3 11, which consists of one page of text and an attached
4 declaration.

5 JUDGE MILLER: The document you just
6 described, with the idea that you are going to, again,
7 get me --

8 MR. CARR: A new jurat, Your Honor.

9 JUDGE MILLER: A new jurat. Will be marked
10 for identification as Taylor Exhibit No. 11.

11 (The document referred to was
12 marked for identification as
13 Taylor Exhibit No. 11.)

14 JUDGE MILLER: Offer it in evidence?

15 MR. CARR: Yes, Your Honor, I do.

16 JUDGE MILLER: Mr. Belisle.

17 MR. BELISLE: No objections, Your Honor.

18 JUDGE MILLER: Mr. Goldstein.

19 MR. GOLDSTEIN: Again, my problem is the
20 linkages, and I trust that Mr. Belisle's exhibits, as
21 we discussed previously, will suffice to make sense out
22 of this exhibit.

23 JUDGE MILLER: Right. And I assume that what
24 we are going to get is we are going to flush out dates,
25 if we can. Like "In a phone conversation, Mr. Levine

1 informed me that such a," it might not be acceptable as
2 a settlement. Just the specifics so that we can
3 understand the declaration.

4 MR. CARR: Yes, Your Honor.

5 JUDGE MILLER: With that, Taylor Exhibit No.
6 11 is received.

7 (The document referred to,
8 having been marked for
9 identification as Taylor
10 Exhibit No. 11, was received
11 in evidence.)

12 JUDGE MILLER: Now, does that complete your,
13 with the exception of the jurats that you are to
14 supply, Mr. Carr, does that complete your Phase One
15 exhibit proffer?

16 MR. CARR: Yes, Your Honor, it does.

17 JUDGE MILLER: All right. Let's take a 10
18 minute recess and we'll get started again, Mr. Belisle.

19 (Whereupon, a brief recess was held.)

20 JUDGE MILLER: During the off the record
21 discussion, there was a brief reference made to the
22 fact that the parties are still attempting to negotiate
23 a settlement, and I think that is as complete a summary
24 as I think we ought to put on the record at this point.

25 MR. CARR: Yes, Your Honor.

1 JUDGE MILLER: One point I would make to you,
2 Mr. Carr. I think you probably felt I was nit-picking
3 on that sentence on No. 11 about, your Exhibit 11,
4 where you say, well, I go down to the, I am down there
5 and I live in the apartment and, therefore, I am there
6 every day. And you said, well, you know, I was just
7 reading it wrong.

8 Also be aware that there is an allegation
9 that has been in this case, the Deputy Sheriff went out
10 to the station to serve papers on him and nobody was
11 there. That is his position, that nobody was there.

12 MR. CARR: Yes, Your Honor.

13 JUDGE MILLER: Now, I didn't want to get into
14 the position of somebody rebutting, using the sentence
15 to rebut the Deputy Mayor unless it was clear and
16 unambiguous. So, while I might have been nit-picking,
17 there was a motive to my nit-picking, Mr. Carr.

18 MR. CARR: Thank you, Your Honor.

19 JUDGE MILLER: With that, Mr. Belisle,
20 proceed.

21 MR. BELISLE: At this time I would like to
22 identify as JBC Exhibit No. 1 a single page document
23 entitled "Testimony of William Washington".

24 JUDGE MILLER: All right. The document, the
25 one page document you have just described will be

1 marked for identification as JBC Exhibit No. 1.

2 (The document referred to was
3 marked for identification as
4 JBC Exhibit No. 1.)

5 MR. BELISLE: Before I go any further, I
6 would just like to state that the original and one copy
7 of all of the exhibits I am about to identify have been
8 handed to the --

9 JUDGE MILLER: Court reporter.

10 MR. BELISLE: Reporter.

11 JUDGE MILLER: All right.

12 MR. BELISLE: And all the exhibits except JBC
13 Exhibit No. 7 have been exchanged with all parties, and
14 I'll exchange JBC Exhibit 7 today.

15 JUDGE MILLER: All right.

16 MR. BELISLE: And I would like to offer Mr.
17 Washington's testimony into evidence.

18 JUDGE MILLER: Okay. Any objections, Mr.
19 Carr?

20 MR. CARR: No, Your Honor.

21 JUDGE MILLER: Mr. Goldstein?

22 MR. GOLDSTEIN: No, Your Honor.

23 JUDGE MILLER: JBC Exhibit No. 1 is received.

24

25

1 (The document referred to was
2 marked for identification as
3 JBC Exhibit No. 1.)

4 JUDGE MILLER: Let me state that I haven't
5 studied these exhibits any more than I studied Carr's,
6 I mean I look at them and try to determine -- has it
7 always been that the five shares were one voting and
8 four non-voting?

9 MR. BELISLE: No. That was rearranged.

10 JUDGE MILLER: Is there a document that
11 explains the rearrangement?

12 MR. BELISLE: It was a petition for leave to
13 amend, in an amendment.

14 JUDGE MILLER: Okay. That's all. Okay.
15 Proceed. Go ahead.

16 MR. BELISLE: Next, I would like marked for
17 identification as JBC Exhibit No. 2, a single page
18 document entitled "Testimony of Charles E. Reid".

19 JUDGE MILLER: The document you just
20 described will be marked for identification as JBC
21 Exhibit 2.

22 (The document referred to was
23 marked for identification as
24 JBC Exhibit No. 2.)

25 JUDGE MILLER: Offer it in evidence?

1 MR. BELISLE: Yes, Your Honor. Offer it into
2 evidence.

3 JUDGE MILLER: Mr. Carr.

4 MR. CARR: Your Honor, I just would note,
5 this is not dated either, neither 1 nor 2 are dated.

6 JUDGE MILLER: That is correct.

7 MR. CARR: And since you had raised that --

8 JUDGE MILLER: Yes, sir.

9 MR. CARR: -- as a question with my exhibits,
10 I thought I would just point it out.

11 JUDGE MILLER: Why no date? Why no date?

12 MR. BELISLE: Well, Your Honor, I honestly
13 thought that these were speaking as of the time I
14 exchanged them. They were signed shortly before the
15 exhibit exchange, I would say within a week before the
16 exhibit exchange.

17 JUDGE MILLER: I want dates.

18 MR. BELISLE: Yes. Well, they can all, I
19 don't believe I provided dates on any of them, and I
20 can reform them all to have the date.

21 JUDGE MILLER: You know, ever since the
22 Commission, in their wisdom, decided that you didn't
23 need affidavits and that a declaration under penalty of
24 perjury was sufficient, we have been going down hill
25 every since. Less attention is paid to what evidently

1 the Commission must think are niceties. But to me,
2 they are absolutely essential in making a complete and
3 full record.

4 MR. BELISLE: If I might just inquire, Your
5 Honor. When I have them dated, would you like to have
6 them dated the date they are reexecuted or would you
7 like to have them dated --

8 JUDGE MILLER: I would like to have them
9 dated the date that this man put his signature on them.

10 MR. BELISLE: Signature on.

11 JUDGE MILLER: That's when I would like to
12 have them dated.

13 MR. BELISLE: Okay. Then that's what they
14 will be.

15 JUDGE MILLER: Because that way you won't
16 ever get into timing problems and say, well, you know,
17 when he says, I am presently an employee in the Traffic
18 Department, he is speaking as of the date that he made
19 that statement.

20 MR. BELISLE: Yes.

21 JUDGE MILLER: Now, in the unlikely event he
22 quit two days later, and you then put an execution date
23 of yesterday on it, it is not accurate.

24 MR. BELISLE: I understand, Your Honor.

25 JUDGE MILLER: All right. Aside from that

1 cogent observation, do you have any objections, Mr.
2 Carr?

3 MR. CARR: No, Your Honor.

4 JUDGE MILLER: Mr. Goldstein.

5 MR. GOLDSTEIN: No, Your Honor.

6 JUDGE MILLER: With the idea you are going to
7 give me the date, JBC Exhibit No. 2 is received.

8 (The document referred to,
9 having been previously marked
10 for identification as JBC
11 Exhibit No. 2, was received in
12 evidence.)

13 MR. BELISLE: Next, I would like identified
14 as JBC Exhibit No. 3 a single page declaration entitled
15 "Testimony of Paul J. Levine," plus an additional 48
16 pages of attachments, all numbered serially. I would
17 ask that this composite exhibit be identified as JBC
18 Exhibit 3.

19 JUDGE MILLER: All right. The document you
20 just described will be marked for identification as JBC
21 Exhibit 3.

22 (The document referred to was
23 marked for identification as
24 JBC Exhibit No. 3.)

25 JUDGE MILLER: Before -- I understand what

1 you are going to ask, because I went over it with Mr.
2 Goldstein and I had a difficulty.

3 We'll take you, Mr. Carr. Any objections?

4 MR. BELISLE: Offer into evidence.

5 MR. CARR: Your Honor, all of these
6 attachments to Exhibit No. 3, these shareholder
7 agreements and so forth, is it the case that Mr. Levine
8 is the person that is going to be questioned about all
9 of these agreements?

10 JUDGE MILLER: That is correct, that who is
11 taking the responsibility for them.

12 One of the reasons, I'll tell you this, Mr.
13 Carr, one of the reasons that I think I got, that I
14 lost my focus of concentration on lack of a date on
15 these exhibits was because I was already concentrating
16 on Exhibit 7 and, as a consequence, I didn't look at
17 them in the same light that I would ordinarily look at
18 them. But --

19 MR. CARR: I didn't notice it until this
20 morning, Your Honor.

21 JUDGE MILLER: Any objections?

22 MR. CARR: No, Your Honor.

23 JUDGE MILLER: Go ahead, Mr. --

24 MR. GOLDSTEIN: I brought to Mr. Belisle's
25 attention, Your Honor, the fact that there is a

1 disparity on page 2 of the exhibit, namely, the
2 shareholders agreement where in the first whereas
3 clause, it talks about a thousand shares of Jupiter
4 Broadcasting, which I believe should be corrected.

5 JUDGE MILLER: Well, should it be corrected?
6 That's --

7 MR. GOLDSTEIN: Later on in the same whereas
8 clause, it reduces the number of shares owned by Reid,
9 Greenberg, Levine and Washington by a percentage, and I
10 assume -- well, I would like to have an explanation as
11 to why or whether.

12 MR. BELISLE: I can give an explanation. The
13 reason why it wasn't changed, of course, is because
14 that is, I didn't feel free to go around changing
15 documents as they presently are written.

16 JUDGE MILLER: I understand that. But I
17 mean --

18 MR. BELISLE: I do know --

19 JUDGE MILLER: The Reid, Greenberg, the
20 original crossed out total totals a thousand.

21 MR. BELISLE: Yes.

22 JUDGE MILLER: As it now reads, there is
23 1,000 shares outstanding in which there are 100
24 distributed.

25 MR. BELISLE: Yes. It is --

1 JUDGE MILLER: And is that the case?

2 MR. BELISLE: No, there are not 1,000 shares
3 of Jupiter Broadcasting issued and outstanding.

4 JUDGE MILLER: And let me tell you how this,
5 we are not, you know, you have given your best
6 explanation of the structural, the structure of JBC.
7 But you do have a man with an option outstanding for 60
8 shares.

9 MR. BELISLE: Yes, that is quite right.

10 JUDGE MILLER: Now, then you get into, then
11 the next question that follows is does the 60 shares
12 come out of that 1,000 or do the 60 shares come out of
13 that which has been inked in on the right hand side?
14 And, if so, is there a full explanation of this?
15 That's --

16 MR. BELISLE: Yes, yes, I understand. I
17 believe Mr. Levine can address that. I would be happy
18 to address it now, but I can't, you know, I can tell
19 you what my understanding is, I am not trying to hide
20 that. I know I can't testify, being under oath.

21 JUDGE MILLER: Well, I'll accept your
22 representation of counsel, because if we get to a point
23 where Levine is not called for cross-examination, I
24 won't have an explanation that I want, that I would
25 like to hear.

1 MR. BELISLE: Okay. At the time this
2 shareholders agreement was drafted by another law firm.
3 They set up a corporation, my recollection, so that
4 Charles Reid would have all of the voting shares, Mr.
5 Greenberg, Mr. Levine and Mr. Washington would have the
6 non-voting shares.

7 If my recollection doesn't fail me, they set
8 it up in a way where there would be 200 shares of
9 voting stock, 800 shares of non-voting stock, and Mr.
10 William Washington was not really in the picture. Mr.
11 Reid was going to get all the voting stock and, by
12 issuing him 200 shares or 20 percent, it would have
13 been no problem.

14 When Mr. William Washington was brought in at
15 Mr. Reid's request, it was impossible to issue shares
16 in that kind of ratio because of, this is again my
17 recollection, the number of authorized non-voting
18 shares didn't work. We would have had to issue voting
19 shares to somebody besides Mr. Reid, and that, of
20 course, wasn't the intention of the organization.

21 So before they did anything, they rearranged
22 the numbers. It just didn't -- and they did it by
23 dividing by ten.

24 JUDGE MILLER: Yeah, but did they just
25 mistakenly fail to reduce 1,000 to 100?

1 MR. BELISLE: That is my belief, yes, Your
2 Honor.

3 JUDGE MILLER: Now, not only did they fail to
4 reduce the 1,000 shares to 100, could you tell me why
5 in Heaven's name they were reluctant to put a date on
6 this thing?

7 MR. BELISLE: Yes, Your Honor, I can tell you
8 at least what my belief is. They didn't all sit down
9 and sign this agreement, at least it is my belief they
10 circulated it around in the month of December of 1988,
11 and I guess any one of them could have selected a date,
12 but none of them did. And when it came back to me, I
13 didn't feel that I could just make up a date and slap
14 it in there. I do know it is December 1988, but I
15 don't know exactly when. And so I didn't modify the
16 document, I didn't feel I could.

17 It would have been more elegant if there was
18 a place, a date next to each signature where everyone
19 signed.

20 JUDGE MILLER: Well, you know, this has, this
21 agreement doesn't have unique construction. It has a
22 sentence at the beginning of the thing that says, you
23 know, this agreement was made on, and the last one, in
24 witness whereof, the parties have hereunto set their
25 hands and seals the day and year first above written.

1 I mean anybody talking would give them out
2 dates, but nobody does anything about it, it is like
3 the weather I guess.

4 MR. BELISLE: Even when I insert places for
5 dates, people don't date.

6 JUDGE MILLER: Well, then why don't you call
7 them up and say, what is the matter with you? Or is
8 that, don't you do that to clients?

9 MR. BELISLE: Not that often.

10 JUDGE MILLER: I recommend it, Mr. Belisle.

11 All right. In any event, Exhibit No. 3 is
12 received.

13 (The document referred to,
14 having been previously marked
15 for identification as JBC
16 Exhibit No. 3, was received in
17 evidence.)

18 MR. BELISLE: Next, I would like marked as
19 JBC Exhibit No. 4, a 16 page document consisting of a
20 three page declaration of Paul J. Levine and
21 attachments. It is entitled "Testimony of Paul" --
22 actually it is entitled "Testimony of Paul L. Levine
23 Regarding Settlement Abuses", but his name is Paul J.
24 Levine. And I ask that it be marked as identification
25 as JBC Exhibit 4.

1 JUDGE MILLER: The document you just
2 described will be marked for identification as JBC
3 Exhibit 4.

4 (The document referred to was
5 marked for identification as
6 JBC Exhibit No. 4.)

7 MR. BELISLE: I would ask that JBC Exhibit 4
8 be admitted into evidence.

9 JUDGE MILLER: Mr. Carr.

10 MR. CARR: I have no objection, Your Honor.

11 JUDGE MILLER: Mr. Goldstein.

12 MR. GOLDSTEIN: No objection, Your Honor.

13 JUDGE MILLER: Let me ask you this question,
14 Mr. Belisle.

15 MR. GOLDSTEIN: It is also, just to follow up
16 the sequence, Your Honor, it also undated.

17 MR. BELISLE: All of my declarations are
18 undated.

19 JUDGE MILLER: And you are going to get dates
20 for them, aren't you?

21 MR. BELISLE: Yes. Yes, Your Honor.

22 JUDGE MILLER: Let me ask you this question.
23 Would you have any serious objection if I changed the
24 caption of that pleading to read "Testimony of Paul L.
25 Levine Regarding Settlement" without the word "abuses"

1 because that is an allegation at this juncture, and it
2 is not fact.

3 MR. BELISLE: No objection at all, in fact.

4 JUDGE MILLER: All right. But it does
5 explain what happened prior. I am not trying to change
6 any of that.

7 MR. BELISLE: No, no. I understand. And in
8 fact --

9 JUDGE MILLER: They are not yet abuses.

10 MR. BELISLE: If we could change the caption
11 to give him his middle initial "J", I wouldn't mind
12 that at all either.

13 JUDGE MILLER: All right. How did he get
14 "L"?

15 MR. BELISLE: I do not know.

16 JUDGE MILLER: All right. "J", substitute
17 "J" for "L" and strike the word "abuses", that's the
18 way the caption will read from now on.

19 With that, Exhibit No. 4 is received.

20 (The document referred to,
21 having been previously marked
22 for identification as JBC
23 Exhibit No. 4, was received in
24 evidence.)

25 MR. BELISLE: Next, I would like identified

1 as JBC Exhibit No. 5 a request for official notice with
2 respect to the provisions of Section 73.1020(a)(3) of
3 the Commission's rules, if that could be identified.

4 JUDGE MILLER: All right. That document, the
5 official notice request will be marked for
6 identification as JBC Exhibit 5.

7 (The document referred to was
8 marked for identification as
9 JBC Exhibit No. 5.)

10 JUDGE MILLER: And you now ask that official
11 notice be taken of Exhibit 5?

12 MR. BELISLE: Yes, Your Honor.

13 JUDGE MILLER: Mr. Carr?

14 MR. CARR: No objection, Your Honor.

15 JUDGE MILLER: Mr. Goldstein?

16 MR. GOLDSTEIN: I just, I don't remember
17 whatever the provision is, as to why it is --

18 MR. BELISLE: It is the timing of license
19 expirations for the various television stations
20 throughout the United States. And counting from that
21 license expiration, you can get the dates --

22 MR. GOLDSTEIN: Oh, yeah.

23 MR. BELISLE: -- the petitions are deny are
24 due, the dates the competing applications are due.

25 MR. GOLDSTEIN: Does this have to do with the

1 Potamkin and when Mr. Taylor should have been put on
2 notice as to that?

3 MR. BELISLE: It has to do with settlement.

4 MR. GOLDSTEIN: I forgot. Okay.

5 MR. BELISLE: And it is being offered.

6 JUDGE MILLER: All right. Mr. Goldstein,
7 any?

8 MR. GOLDSTEIN: No. No. Thank you, Your
9 Honor.

10 JUDGE MILLER: Official notice is taken of
11 JBC Exhibit 5.

12 (The document referred to,
13 having been previously marked
14 for identification as JBC
15 Exhibit No. 5, was received in
16 evidence.)

17 MR. BELISLE: Next, I would like marked for
18 identification as JBC Exhibit 6, a one page declaration
19 of Alan H. Potamkin, followed by 56 pages -- well, 55
20 pages of attachments. It is all entitled "Testimony of
21 Alan H. Potamkin".

22 JUDGE MILLER: The document you just
23 described will be marked for identification as JBC
24 Exhibit No. 6, 55 pages.

25